

PROB 12C  
(7/93)

## UNITED STATES DISTRICT COURT

FILED

for

FEB 22 2012

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Joey Longoria Garza Case Number: DR-02-CR-686(1)  
 Name of Sentencing Judicial Officer: Honorable Alia Moses, United States District Judge  
 Date of Original Sentence: November 20, 2003  
 Original Offense: 21 U.S.C. 841 (a)(1) & (b)(1)(C) – Possession of Cocaine with Intent to Distribute  
 Original Sentence: 120 months imprisonment followed by a 3 year term of supervised release  
 Type of Supervision: Supervised Release Date Supervision Commenced: November 9, 2011  
 Assistant U.S. Attorney: Ernest Gonzalez Defense Attorney: John Convery (Retained)

**PREVIOUS COURT ACTION**

On January 20, 2012, a Report on Offender Under Supervision was submitted to the Court alleging the offender tested positive for cocaine usage and was arrested for Disorderly Conduct in Dimmit County Texas. The Court concurred with the Probation Officer's recommendation for no action. Urine collection and testing were increased.

**PETITIONING THE COURT**

- ☒ The issuance of a warrant  
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1. **Special Condition: The Defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision.**

**Mandatory Condition No. 2: The defendant shall not illegally possess a controlled substance.**

**Standard Condition No. 7: The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.**

On December 19, 2011, the offender Joey Longoria Garza, submitted a sweat patch which tested positive for cocaine. On January 5, 2012, the offender admitted to the use of cocaine.

2. **Mandatory Condition No. 1: The defendant shall not commit another federal, state, or local crime.**

On January 5, 2012, the offender Joey Longoria Garza was taken into custody by the Dimmit County Sheriff's office for Disorderly Conduct. A booking sheet from the sheriff's office states the offender spent the night in jail and was released in the morning with no bond set.

The offender stated he was going to his ex-wife's house to visit his children when her boyfriend and the offender had a verbal confrontation. The offender stated he left the residence before it became physical. As he drove away, he was stopped by the Dimmit County Sheriff's Department because his ex-wife's boyfriend called the police and stated the offender threatened him. The offender denies threatening anyone. The charge remains pending in Dimmit County.

On February 3, 2012, the offender was taken into custody by the Dimmit County Constables Office Precinct 3 for Evading Arrest or Detention, Manufacture or Delivery of Substance in Penalty Group 1 > than 4 grams but < than 200 grams, Abandoning or Endangering a Child and Tampering with or Fabricating Physical Evidence.

On the above mentioned date, the offender was stopped for a traffic violation. While being detained, the offender fled on foot. The offender was subsequently apprehended and during the pat down search, the offender was found in possession of a large plastic baggy with 7 smaller individually wrapped baggies containing cocaine. The offender also had minors in his vehicle during this incident. The offender was taken into custody and charged with the above mentioned charges.

On February 5, 2012 the offender was released, on bond from the Dimmit County Detention Center. The charges remain pending at this time.

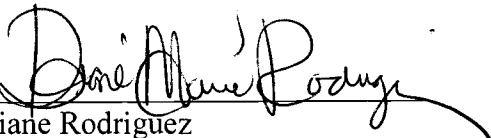
On February 6, 2012, the offender called the United States Probation Office to advise he was taken into custody for the above mentioned charges. He denied possession of the illegal substances and stated the constable had it out for him.

U.S. Probation Officer Recommendation: Joey Longoria Garza began his supervised release on November 9, 2011 after serving a 120 month sentence for Possession of Cocaine with Intent to Distribute. Since his release, the offender has tested positive for cocaine. It should be noted the offender's first three urinalysis' were returned with abnormal results. He has also been arrested twice since his release, once for Disorderly Conduct and again for drug related charges. It is respectfully recommended a warrant be issued and the offender's supervised release be revoked.


The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for \_\_\_\_\_ years for a total term of \_\_\_\_\_ years
- ☐ The conditions of supervision should be modified as follows:


Approved:

  
Diane Rodriguez  
Supervising U.S. Probation Officer

Respectfully Submitted,

  
Edward Lopez  
U.S. Probation Officer,  
Date: February 15, 2012  
Telephone #: 830-703-2089, ext. 228

Approved:

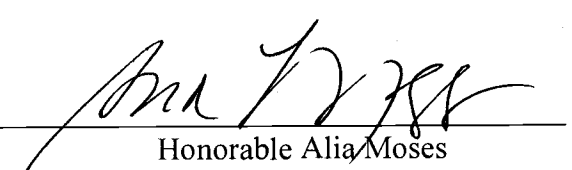
  
Erica Giese  
Assistant U.S. Attorney

cc: Suzan R. Contreras  
Assistant Deputy Chief U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No action.  
☒ The issuance of a warrant. *all take*  
☐ The issuance of a summons.  
☐ Other \_\_\_\_\_
- 

  
Honorable Alia Moses  
U.S. District Judge

*2/22/12*  
Date